

Message Text

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ACTION EUR-12

INFO OCT-01 SY-05 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-00
SSO-00 USIE-00 INRE-00 HA-05 IO-13 CPR-01 OPR-02
A-01 PER-01 SCS-06 /084 W
-----042229 181410Z /20

O R 181145Z MAR 78
FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC IMMEDIATE 7462
INFO AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 1 OF 2 NICOSIA 0730

E.O. 11652: XGDS-2
TAGS: PGOV, CY, US
SUBJECT: GOC CONCERN OVER US REACTIONS TO VIRTUAL SUSPENSION
OF SENTENCES IN DAVIES CASE

REF: NICOSIA 0729

1. GOC PROFESSES TO BE PROFOUNDLY TROUBLED OVER USG AND
PUBLIC AMERICAN REACTION TO VIRTUAL SUSPENSION OF TWO
REMAINING SENTENCES IN THE KILLING OF AMBASSADOR DAVIES.

2. NEW GOC FONMIN ROLANDIS TELEPHONED ME LATE EVENING
MARCH 17 TO GIVE ME THE NEWS AND EXPLAINED THAT THIS WAS
A DECISION OF THE JUDICIARY WHICH THE EXECUTIVE COULD NOT
INFLUENCE. MORNING MARCH 18, ROLANDIS TELEPHONED AGAIN
TO SAY HE WAS SENDING OVER AN EXPLANATION BY SUPREME COURT
PRESIDENT MICHAEL TRIANTAFYLIDIS OF THE GROUNDS FOR HIS
ACTION (QUOTED BELOW).

3. IN BOTH CONVERSATIONS WITH ROLANDIS I TOOK THE SHARPEST
EXCEPTION TO THIS DEVELOPMENT WHICH, I WARNED, WOULD
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BE VERY BADLY VIEWED IN THE US. SUPREME COURT'S
ACTION WAS A TRAVERSITY OF JUSTICE. THIS PROCESS HAD
BEGUN WITH ELEVEN INDIVIDUALS CLEARLY IDENTIFIED IN
VIOLENCE AGAINST THE EMBASSY ON AUG 19, 1974. THROUGH
INTENTIONAL LOSS OF EVIDENCE, BLATANT INTIMIDATION OF
WITNESSES BY EOKA-B, EVEN IN THE COURTROOM, DEPLORABLE
COWARDICE AND INCOMPETENCE ON THE PART OF THE POLICE

AND A GENERAL LACK OF POLITICAL RESOLVE FROM THE EXECUTIVE, THE ELEVEN HAD SHRUNK TO TWO WHO ARE NOW TO BE RELEASED IN FIVE MONTHS' TIME. WHILE GROUND RULES LAID DOWN BY THE AMERICAN TELEVISION COMPANIES HAD PRECLUDED THEIR USE IN COURT, THE POLICE HAD HAD THE ADVANTAGE OF PHOTOGRAPHS CLEARLY SHOWING KTIMATIAS FIRING AN AK-47 AT THE EMBASSY WITH A SENIOR POLICE OFFICER STANDING INEFFECTUALLY CLOSE AT HAND. EVIDENCE AGAINST LEFTIS WAS EQUALLY INCRIMINATING. I FOUND THIS DEVELOPMENT THE MORE SURPRISING IN THAT DURING HIS VISIT TO THE US IN THE SUMMER OF 1977, KYPRIANOU HAD BEEN PUT ON NOTICE BY SENIOR MEMBERS OF THE US SENATE AND CONGRESS THAT ANY FURTHER ATTENUATION OF ALREADY INEXCUSABLY LIGHT SENTENCES WOULD CREATE STRONGEST REACTIONS IN THE US.

4. ROLANDIS SAID HE WAS ALL TOO AWARE OF THIS. THIS ACTION AT THIS TIME ACTUALLY RAN COUNTER TO CYPRUS' LARGER FOREIGN POLICY INTERESTS. (HE MEANS SUSTAINING THE EMBARGO.) HE AND PRESIDENT KYPRIANOU HAD BEEN TAKEN BY SURPRISE, HAVING FIRST HEARD THE NEWS ON TELEVISION EVENING MARCH 17. HAD THEY KNOWN OF TRIANTAFYLIDES' INTENTION, PERHAPS THE TIMING COULD HAVE BEEN INFLUENCED DESPITE INDEPENDENCE OF THE JUDICIARY. ROLANDIS HOPED I WOULD CAST THIS IN A SYMPATHETIC LIGHT IN MY REPORTING TO WASHINGTON. CONFIDENTIAL

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I SAID GIVEN THE CIRCUMSTANCES I COULD HARDLY GIVE OTHER THAN MY OWN EVALUATION AND EXPRESSION OF DEEPEST RESENTMENT AT THE PERFORMANCE OF GOC AUTHORITY FROM START TO FINISH IN THIS SORRY BUSINESS.

5. PRESIDENT KYPRIANOU HAS JUST TELEPHONED TO EXPRESS HIS OWN GRAVE CONCERN AND REGRET AT THIS DEVELOPMENT OVER THE SUBSTANCE AND TIMING OF WHICH HE SAYS HE HAD NEITHER KNOWLEDGE NOR CONTROL. I REMINDED HIM OF THE VIEWS EXPRESSED TO HIM BY CONGRESSIONAL LEADERS REFLECTING PUBLIC OPINION AND EXPRESSED THE PERSONAL OPINION THAT THE CONSEQUENCES FOR RELATIONS COULD BE UNFORTUNATE.

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C O N F I D E N T I A L SECTION 2 OF 2 NICOSIA 0730

6. COMMENT: IT COULD BE THAT TRIANTAFYLIDIS' ACTION TOOK KYPRIANOU BY SURPRISE, BUT IF SO, THIS ATTESTS INEPT LEADERSHIP. KYPRIANOU'S PRIMARY FOREIGN POLICY VIS-A-VIS THE US AT THIS TIME IS MAINTENANCE OF THE ARMS EMBARGO, AS EVIDENCED INTER ALIA BY THE MICHAELIDES MISSION. PUBLICITY AND REACTIONS IN THE US ABOUT THE SUSPENSION OF THE DAVIES SENTENCES COULD UNDERCUT CYPRIOT LOBBYING, AND KYPRIANOU'S REACTION SHOWS HE IS WELL AWARE OF THIS. IF, ALTERNATIVELY, KYPRIANOU WAS AWARE OF TRIANTAFYLIDIS' INTENTION, THE PRESENT DEVELOPMENT MUST BE READ AS A PROPITIATORY GESTURE BY THE PRESIDENT TO EOKA-B. FACTORED INTO THIS IS ALSO TRIANTAFYLIDIS' CHARACTER, OR RATHER LACK THEREOF. HE IS A NOTORIOUS POLITICAL OPPORTUNIST IN HIS OWN RIGHT, WITH HIS OWN REASONS FOR CULTIVATING THE FAR RIGHT. END COMMENT.

7. FOLLOWING IS TEXT OF GOC JUDICIAL COMMENT ON SUPREME COURT ACTION:
QUOTE MEMORANDUM REGARDING THE DECISION OF THE SUPREME COURT ON 17/3/78.
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(1) AS REGARDS APPELLANT 1 (KTIMATIAS) HIS APPEAL AGAINST HIS CONVICTION OF THE OFFENCE OF FIRING AN AUTOMATIC FIREARM IN THE COURSE OF A RIOT OUTSIDE THE BUILDING OF THE U.S.A. EMBASSY, IN NICOSIA, ON AUGUST 19, 1974,S ALLOWED, BECAUSE THE EVIDENCE ON THE BASIS OF WHICH HE WAS CONVICTED WAS SO CONFLICTING AND SELF-CONTRADICTIONARY AS TO RENDER HIS CONVICTION UNSAFE. AS A RESULT THE SENTENCE OF SEVEN YEARS' IMPRISONMENT, WHICH

WAS IMPOSED ON HIM IN RESPECT OF THIS OFFENCE, WAS
ANNULLED.

(2) ON THE OTHER HAND IT WAS HELD

(A) THAT APPELLANT 1 WAS RIGHTLY CONVICTED OF
THE OFFENCE OF RIOT, AT THE SAME TIME AND PLACE, AND
ALSO, THAT HE WAS RIGHTLY SENTENCED TO ONE
YEAR'S IMPRISONMENT, AND

(B) THAT IN VIEW OF HIS PARTICIPATION IN
THE RIOT, IN THE COURSE OF WHICH DAMAGE WAS CAUSED TO
THE BUILDING OF THE U.S.A. EMBASSY, HE WAS RIGHTLY
CONVICTED OF HAVING CAUSED SUCH DAMAGE AND, ALSO,
THAT HE WAS RIGHTLY SENTENCED TO TWO YEARS' IMPRISONMENT.

(3) AS REGARDS APPELLANT 2 (LEFTIS) IT WAS HELD
THAT HE WAS RIGHTLY CONVICTED OF THE OFFENCE OF RIOT
AND, ALSO, THAT HE WAS RIGHTLY SENTENCED TO ONE YEAR'S
IMPRISONMENT.

(4) AS REGARDS BOTH APPELLANTS IT WAS HELD THAT THEY
WERE RIGHTLY CONVICTED OF THE OFFENCE OF CARRYING
UNLAWFULLY FIREARMS AT THE SCENE OF THE RIOT; HOWEVER,
THE SENTENCE OF FIVE YEARS' IMPRISONMENT WHICH WAS
IMPOSED ON THEM FOR THIS OFFENCE WAS REDUCED TO ONE OF
THREE YEARS' IMPRISONMENT, IN VIEW OF THE FACT THAT
DURING THE PERIOD IN QUESTION THE APPELLANTS, AS MEMBERS
OF THE SECURITY FORCES OF THE REPUBLIC (A POLICEMAN AND
A RESERVIST IN THE NATIONAL GUARD, RESPECTIVELY) WERE
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NORMALLY ALLOWED TO CARRY FIREARMS ON OTHER OCCASIONS,
IN THE COURSE OF RESISTING THE TURKISH INVASION OF CYPRUS.

NOTE 1: BOTH APPELLANTS HAD ALREADY BEEN FOUND NOT
GUILTY, BY THE TRIAL COURT (THE NICOSIA ASSIZES),
OF THE OFFENCE OF CAUSING THE DEATH OF THE
U.S.A. AMBASSADOR AND OF HIS SECRETARY.

NOTE 2: AT THE TRIAL TWO CO-ACCUSED OF THE APPELLANTS,
(WHO DID NOT APPEAL) WERE SENTENCED TO ONLY
THREE AND EIGHT MONTHS' IMPRISONMENT, RESPECTIVELY,
AFTER THEY HAD PLEADED GUILTY TO THE OFFENCE OF
RIOT, AND ONE OF THEM WAS ALSO SENTENCED TO THREE
MONTHS' IMPRISONMENT FOR CARRYING, DURING THE
RIOT, STICKS OF DYNAMITE. END QUOTE.

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